

REMARKS**I. General**

Claims 1-21 are pending in the current application. Claims 1-21 are rejected. The issues raised in the Office Action mailed May 26, 2004 are:

- Claims 1-16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention;
- Claims 1, 3-9, 15-19, and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,862,223 to Walker et al. (hereinafter *Walker*) in view of U.S. Patent No. 6,325,632 to Chao et al. (hereinafter *Chao*);
- Claims 2 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Walker* in view of *Chao* and further in view of U.S. Patent No. 5,544,049 to Henderson et al. (hereinafter *Henderson*);
- Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Walker* in view of *Chao* in view of *Henderson* and further in view of web pages “keen.com” (hereinafter *keen.com*); and
- Claims 11-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Walker* in view of *Chao* in view of *Henderson* and further in view of U.S. Patent No. 6,223,165 to Lauffer (hereinafter *Lauffer*).

II. Claim Amendments

Claim 1 is amended to remove the claim terms “substantially in real-time.” Claims 2 and 17 are amended to clarify that the ranking algorithm that determines the expert’s position in the ranked list is based on static and dynamic attributes as disclosed in the specification at least at paragraph [0032] on page 8. Claim 17 is further amended to include the elements previously recited in claims 18 and 19 and to clarify that the expert’s profiles include data that relates to both static and dynamic attributes as disclosed in the specification at least at paragraphs [0032-0036] on page 8. Claim 18 is amended to recite a work order system as disclosed in the specification at paragraph [0013] on page 3 and Figure 1. Claim 19 is amended to recite aspects related to the work assignment data presented in claim 18 as disclosed in the specification at paragraph [0013] on page 3. Claim 20 is amended due to the amendments to claims 17-19. No new matter is entered by the claim amendments.

New claims 22-24 are entered to recite aspects related to a location tracking information system, location data, and a GPS system. The features recited in new claims 22-25422466.1

24 are found throughout the specification as shown by paragraphs [0008, 0013, 0024, 0036] and Figure 1. No new matter is entered by new claims 22-24.

III. Rejection under 35 U.S.C. § 112, second paragraph

Claims 1-16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In making this rejection, the Examiner asserts that the use of the term “substantially” when referring to the real-time nature of the invention renders claim 1 indefinite, since it is not possible to ascertain the metes and bounds of the patent protection sought. (Office Action, pages 2-3). Claim 1 has been amended to remove the term “substantially” from the claim language. Thus, as amended, claims 1-16 are definite and do particularly point out and distinctly claim the subject matter which applicant regards as the invention. Therefore, Applicant respectfully requests that the rejection under 35 U.S.C. § 112, second paragraph, of claims 1-16 be withdrawn.

IV. Rejection under 35 U.S.C. § 103 (a) *Walker & Chao*

Claims 1, 3-9, 15-19, and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Walker* in view of *Chao*. Applicant respectfully traverses this rejection and asserts that the rejected claims are allowable at least for the reasons stated below.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), the prior art cited must teach or suggest all the claim limitations. MPEP § 2143. Applicant respectfully asserts that the cited references do not teach or suggest all the claim limitations of claims 1, 3-9, 15-19, and 21, and therefore, the claims are not obvious under 35 U.S.C. § 103(a).

A. Failure to teach all claim limitations

1. Independent Claims

Claim 1

Claim 1 requires, in part:

applying a weight designated by the user to the attributes of a desired expert (Emphasis Added)

The cited references fail to teach or suggest this feature of claim 1. In rejecting claim 1, the Examiner relies on *Chao* as disclosing this feature of claim 1. The portion of *Chao* cited by the Examiner, (col. 5, lines 32-65), discloses an embodiment whereby a student can select an instructor that does not have to live in the same neighborhood as the student. (*Chao*, col. 1, lns 55-60). Accordingly, *Chao* discloses an invention whereby an individual, such as a student, can search for another individual, such as an instructor, to render a service, such as teach English. In addition, *Chao* discloses that the invention or search engine can allow the student to include a weight next to some categories that the student entered. (*Chao*, col. 5, lns. 32-34). Thus, *Chao* discloses that the individual conducting a search, (student), for another individual, (instructor), to perform a service can apply a weight to the searching individual's, (student's), categories. However, claim 1 requires that the weight, designated by the user, be applied to the attributes of an expert. Accordingly, claim 1 requires that the user of the system apply a weight to the expert's attributes, and including a weight next to some categories that are related to the student of *Chao* fails to teach or suggest applying a weight to attributes of an expert. Therefore, the disclosure of *Chao* fails to disclose or suggest all elements of claim 1. In addition, the Examiner clearly conceded that the disclosure of *Walker* fails to disclose this feature of claim 1. (Office Action, page 5). Thus, neither *Walker*, *Chao*, nor any combination thereof discloses all the elements of claim 1, and therefore, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. § 103 be withdrawn.

Claim 17

Claim 17, as amended, requires in part:

a searchable and updateable database of expert information, wherein said database comprises a plurality of expert profiles, each of said profiles including data relating to one or more static and dynamic attributes of a particular expert;

a processor for:

searching said database using said desired characteristics, and generating a list of ranked experts; and

a display for displaying said ranked list, wherein each expert's position in the list is determined by a ranking algorithm based on said static attributes and said dynamic attributes. (emphasis added)

The cited references fail to teach or suggest these features of amended claim 17. In rejecting these features, the Examiner cites *Chao*, (col. 5, lns 42-47), as disclosing a ranking algorithm based upon submitted user weights. (Office Action, page 7). However, *Chao* discloses that a number of rules may be used to generate a best match between a student and instructor if there is no exact match. (*Chao*, col. 5, lns 42-43). *Chao* further discloses an example pertaining to a student's preferred rate. (*Chao*, col. 5, lns 44-47). However, merely disclosing that a number of rules may be used along with an example involving a student's preferred rate fails to disclose or suggest a ranked list wherein each expert's position in the list is determined by a ranking algorithm based on static and dynamic attributes, as required by amended claim 17.

2. Dependent Claims

Claims 2-16 and 18-24 depend directly or indirectly from their respective base claims 1 and 17 and thereby inherit all of the limitations of their respective base claims. Accordingly, it is respectfully submitted that the dependent claims are allowable based on at least their dependency from independent base claims 1 and 17 for at least the reasons discussed above. Thus, Applicant respectfully submits that based on the arguments above, claims 2-16 and 18-24 are patentable under 35 U.S.C. §103. In addition to their dependency from the respective base claims 1 and 17, dependent claims 6, 9, 18, and 19 are also allowable based on further limitations recited therein. Specific examples of additional limitations present in the dependent claims which are not found in the applied art are set forth below.

Claims 6 and 9

Claim 6 requires:

wherein the attribute is the expert's available time until a next assignment.

Claim 9 requires:

wherein the attribute is the expert's travel speed.

In rejecting these features of claims 6 and 9, the Examiner relies on the teachings of *Walker* found at (col. 14, lns. 27-28). (Office Action, page 6). *Walker* discloses an Expert database that maintains data on experts, such as name, address, private key information, email addresses, physical addresses, payment preferences, rates, and availability standards.

However, the mere disclosure of availability standards fails to disclose or suggest that the attribute is the expert's available time until a next assignment as required by claim 6 and also fails to disclose or suggest that the attribute is the expert's travel speed as required by claim 9. Thus, neither *Walker*, *Chao*, nor any combination thereof discloses all the elements of claims 6 and 9, and therefore, Applicant respectfully requests that the rejection of claims 6 and 9 under 35 U.S.C. § 103 be withdrawn.

Claims 18 and 19

Claims 18 and 19, as amended, require:

a work order system for processing and storing data related to an expert's work assignments wherein said work order system communicates said work assignment data with said searchable and updateable database.

The cited references fail to disclose these features of amended claims 18 and 19. *Walker* discloses an expert database that maintains data on experts, such as name, address, private key information, email addresses, physical addresses, payment preferences, availability standards, voice mail addresses, and respective subject areas of expertise. However, *Walker* fails to disclose a work order system as required by amended claims 18 and 19. *Chao* fails to disclose this deficiency. Thus, neither *Walker*, *Chao*, nor any combination thereof discloses all the elements of amended claims 18 and 19, and therefore, Applicant respectfully requests that the rejection of claims 18 and 19 under 35 U.S.C. § 103 be withdrawn.

V. Rejection under 35 U.S.C. § 103 (a) *Walker, Chao, & Henderson*

Claims 2 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Walker* in view of *Chao* and further in view of *Henderson*. Applicant respectfully traverses this rejection and asserts that the rejected claims are allowable at least for the reasons stated below.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), the prior art cited must teach or suggest all the claim limitations. MPEP § 2143. Applicant respectfully asserts that the cited references do not teach or suggest all the claim limitations of claims 2 and 20, and therefore, the claims are not obvious under 35 U.S.C. § 103(a).

Failure to teach or suggest all claim limitations

Base claims 1 and 17 are patentable due to the deficiencies of *Walker* and *Chao* as discussed above. *Henderson* is not relied upon as disclosing these deficiencies. Claims 2 and 20 depend from base claims 1 and 17 respectively, and thus, inherit all limitations of their respective base claims 1 and 17. Therefore, the cited references fail to teach all the elements of claims 2 and 20, and, thus, claims 2 and 20 are not obvious under 35 U.S.C. § 103(a). In addition to its dependency from base claim 1, dependent claim 2 is also allowable based on further limitations recited therein as set forth below.

Claim 2

Claim 2, as amended, requires:

displaying a list of ranked experts, wherein each expert's position in the ranked list is determined by a ranking algorithm wherein said ranking algorithm uses the weights of each attribute and is based on both static attributes and dynamic attributes.

The cited references fail to disclose this feature of amended claim 2. In rejecting claim 2, the Examiner asserts that *Chao*, (col. 5, lns. 42-47), discloses a ranking algorithm based upon submitted user weights. (Office Action, page 7). The cited section of *Chao* discloses that a number of rules can be used to generate a best match if there is no exact match and further discloses an example pertaining to a student's preferred rate. (*Chao*, col. 5, lns 42-47). However, merely disclosing that a number of rules may be used along with an example involving a student's preferred rate fails to disclose or suggest a ranking algorithm that uses the applied weights and is based on both static and dynamic attributes, as required by claim 2. Thus, *Chao* fails to disclose this feature of claim 2, and neither *Walker* nor *Henderson* cure this deficiency. Therefore, neither *Walker*, *Chao*, *Henderson*, nor any combination thereof discloses all the elements of claim 2, and therefore, Applicant respectfully requests that the rejection of claim 2 under 35 U.S.C. § 103 be withdrawn.

VI. Rejection under 35 U.S.C. § 103 (a) *Walker*, *Chao*, & *keen.com*

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Walker* in view of *Chao* in view of *Henderson* and further in view of *keen.com*. Applicant respectfully traverses this rejection and asserts that the rejected claims are allowable at least for the reasons stated below.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art cited must teach or suggest all the claim limitations. MPEP § 2143. Applicant respectfully asserts that the cited references do not teach or suggest all the claim limitations of claim 10, and therefore, claim 10 is not obvious under 35 U.S.C. § 103(a).

Failure to teach or suggest all claim limitations

Base claim 1 is patentable due to the deficiencies of *Walker* and *Chao* as discussed above. Neither *Henderson* nor *keen.com* is relied upon as disclosing these deficiencies. Claim 10 indirectly depends from base claim 1, and thus, inherit all limitations of base claim 1. Therefore, the cited references fail to teach all the elements of claim 10, and thus, claim 10 is not obvious under 35 U.S.C. § 103(a).

VII. Rejection under 35 U.S.C. § 103 (a) *Walker, Chao, Henderson & Lauffer*

Claims 11-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Walker* in view of *Chao* in view of *Henderson* and further in view of *Lauffer*. Applicant respectfully traverses this rejection and asserts that the rejected claims are allowable at least for the reasons stated below.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art cited must teach or suggest all the claim limitations. MPEP § 2143. Applicant respectfully asserts that the cited references do not teach or suggest all the claim limitations of claims 11-14, and therefore, claims 11-14 are not obvious under 35 U.S.C. § 103(a).

Failure to teach or suggest all claim limitations

Base claim 1 is patentable due to the deficiencies of *Walker* and *Chao* as discussed above. Neither *Henderson* nor *Lauffer* is relied upon as disclosing these deficiencies. Claims 11-14 directly or indirectly depend from base claim 1, and thus, inherit all limitations of base claim 1. Therefore, the cited references fail to teach all the elements of claims 11-14, and thus, claims 11-14 are not obvious under 35 U.S.C. § 103(a).

VIII. New Claims 22-24

Applicants respectfully assert that new dependent claims 22-24 indirectly depend from base claim 17, and thus, inherit all limitation of base claim 17. Therefore, new

dependent claims 22-24 are allowable based on at least their dependency from independent base claim 17 for at least the reasons discussed above. Thus, Applicant respectfully submits that based on the arguments above, new claims 22-24 are patentable under 35 U.S.C. §103. In addition to its dependency from base claim 17, new dependent claims 22-24 are also allowable based on further limitations recited therein as set forth below.

Claims 22-24

Claims 22-24, require, in part:

a location tracking information system for generating data related to the expert's location wherein said location tracking information system communicates said location data with said searchable and updateable database.

The cited references fail to disclose this feature of new dependent claims 22-24.

Walker discloses a system comprising an expert interface, a central controller and a end user interface. (*Walker*, col. 13, lns. 9-15). Central controller 200 includes various components, such as data storage device 250 that contains various databases used in the processing of transactions. (*Walker*, col. 14, lns 14-18). The databases included in data storage device 250 include expert database 250, end user database 260, end user request database 265, expert answer database 270, payment database 275, billing database 280, expert qualifications database 285, and cryptographic key database 290. (*Walker*, col. 14, lns 18-25). However, *Walker* fails to disclose or suggest a location tracking information system for generating data related to the expert's location wherein the location tracking information system communicates location data with the searchable and updateable database, as required by new claims 22-24. Moreover, neither *Chao*, *Henderson*, *Lauffer*, nor *keen.com* discloses this deficiency. Thus, neither *Walker*, *Chao*, *Henderson*, *Lauffer*, *keen.com* nor any combination thereof discloses all the elements of new dependent claims 22-24, and therefore, Applicant respectfully requests that new dependent claims 22-24 are patentable under 35 U.S.C. § 103.

IX. Summary

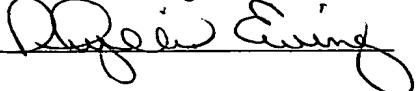
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant has authorized the Commissioner to charge the required fees for this filing from Deposit Account No. 08-2025, under Order No. 10015906-1. Please charge any additional fees required or credit any overpayment to same.

I hereby certify that this correspondence is being deposited with the United States Postal Service Express Mail Label EV375343585US in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: August 26, 2004

Typed Name: Phyllis Ewing

Signature: 

Respectfully submitted,

By: 
Michael J. Rogarty, III
Reg. No. 42,541
Attorney/Agent for Applicant

Date: August 26, 2004

Telephone No. (214) 855-8172